



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

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Wednesday, the Fourth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP.(MD) No.8396 of 2023
in
SA(MD) SR.No.79507 of 2022

PACKIAM,

... PETITIONER/APPELLANT

Vs

ARUMUGAM

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 201 days in filing the above Second Appeal against the Judgement and Decree in A.S.No.15 of 2021 on the file of the Sub Court, Aruppukkottai dated 11.08.2022 confirming the judgement and decree in O.S.No.103 of 2017 on the file of the Principal District Munsif Court, Aruppukkottai dated 07.02.2020.

PRAYER IN SA(MD) SR.No.79507 of 2022:

To set aside the Judgement and Decree in A.S.No.15 of 2021 on the file of the Sub Court, Aruppukkottai dated 11.08.2022 confirming the judgement and decree in O.S.No.103 of 2017 on the file of the Principal District Munsif Court, Aruppukkottai dated 07.02.2020.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the



arguments of M/S. M. RAMU, Advocate for the petitioner, MR.R.ALAGUMANI, Advocate for the sole respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 201 days in filing the above appeal.

2.It is the submission of the learned counsel for the petitioner that the petitioner filed the second appeal before this Court on 16.12.2022. The second appeal's case bundle was returned for rectifying certain defects on 21.12.2022. Thereafter, the case bundle was mixed with some other case bundle and was traced immediately. That was the cause for the delay of 201 days in filing the second appeal.

3.The learned counsel for the respondent opposed for allowing this petition. However, having satisfied with the reasons stated in the affidavit filed in support of this petition, the delay of 201 days in filing SA(MD) SR.No.79507 of 2022 is condoned.

4.This Civil Miscellaneous Petition is allowed on condition that the petitioner pays a sum of Rs.1,000/- (Rupees One Thousand only) to the respondent on or before 18.10.2023. Registry is directed to number the Civil Miscellaneous Appeal, if it is in order.



5.Post the matter on 19.10.2023 for reporting compliance.

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sd/-
04/10/2023

/ TRUE COPY /

/10/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 The Subordinate Judge, Aruppukkottai.

2 The Principal District Munsif , Aruppukkottai.

+1 CC to M/s.M.RAMU, Advocate (SR-14690[I] dated 05/10/2023)

ORDER
IN

CMP(MD) No.8396 of 2023
Date :04/10/2023

SSA/VRS/11.10.2023/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023